

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Ryan E. Ross**  
**Valerie J. Ross**  
Debtor(s)

Bankruptcy Case No.: 16-70706-JAD  
Issued Per Aug. 24, 2017 Proceeding  
Chapter: 13  
Docket No.: 50 – 42, 45  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 21, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,242 as of September 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: S&T Bank at Claim No. 3 and Claim No. 4 as to post-petition fee/charges/expense claims. Bank of America at Claim No. 10 to be paid in full under the plan. .
- ☐ H. Additional Terms:

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: August 31, 2017

Jeffery A. Deller  
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Ryan E. Ross  
 Valerie J. Ross  
 Debtors

Case No. 16-70706-JAD  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-7

User: jhel  
 Form ID: 149

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 Total Noticed: 42

Date Rcvd: Aug 31, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 02, 2017.

db/jdb  
 cr  
 14303787 +Ryan E. Ross, Valerie J. Ross, 500 Locust Street, Indiana, PA 15701-3022  
 14303788 +S&T Bank, 355 North Fifth Street, Indiana, PA 15701-1940  
 14342002 Alltran Financial, LP, P.O. Box 4044, Concord, CA 94524-4044  
 14303789 #+Bank Of America, P.O. Box 26012, Greensboro, NC 27420-6012  
 14303790 Bank Of America, N.A., PO BOX 31785, Tampa, FL 33631-3785  
 +Barclays Bank Delaware, P.O. Box 8801, Wilmington, DE 19899-8801  
 +Chase Card Services, Attn: Correspondence Dept., P.O. Box 15298, Wilmingotn, DE 19850-5298  
 14303791 +Citibank / Sears, Citicorp Credit Services, P.O. Box 790040, Saint Louis, MO 63179-0040  
 14303792 +Client Services Inc., 3451 Harry S. Truman Blvd., Saint Charles, MO 63301-9816  
 14303793 #+Collection Service Center, P.O. Box 68, Altoona, PA 16603-0068  
 14303794 +Comenity Bank/Bon Ton, 3100 Easton Square Place, Columbus, OH 43219-6232  
 14303795 +Comenity Bank/Fashion Bug, P.O. Box 182125, Columbus, OH 43218-2125  
 14303796 +Comenity Bank/GanderMtn., P.O. Box 182125, Columbus, OH 43218-2125  
 14303797 +Comenitycapital/Bosco, Comenity Bank, P.O. Box 182125, Columbus, OH 43218-2125  
 14303801 +Credit Management, LP, Attn: Bankruptcy, P.O. Box 118288, Carrollton, TX 75011-8288  
 14303802 DLP, Conemaugh Physician Group, P.O. Box 644633, Pittsburgh, PA 15264-4633  
 14303803 Elan Financial Service, 4 Station Square Ste 620, Pittsburgh, PA 15219  
 14303804 Emerald AR Systems, LLC, P.O. Box 845066, Los Angeles, CA 90084-5066  
 14319514 +Harley-Davidson Credit Corp., PO Box 9013, Addison, Texas 75001-9013  
 14303806 +Indiana Ambulatory Surgical Associates, 841 Hospital Road, Indiana, PA 15701-3620  
 14303807 +Indiana Cardiovascular Specialists, 15 South Eighth Street, Indiana, PA 15701-2776  
 14303808 +Indiana County Tax Claim Bureau, 825 Philadelphia St, Indiana, PA 15701-3951  
 14303809 Indiana Regional Imaging, PC, 7 Acee Drive, Natrona Heights, PA 15065-9700  
 14303810 Indiana Regional Medical Center, P.O. Box 788, Indiana, PA 15701-0788  
 14303812 +Penn Credit Corporation, 916 S 14th St, Harrisburg, PA 17104-3425  
 14303814 +S & T Bank, 800 Philadelphia Street, P.O. Box 190, Indiana, PA 15701-0190  
 14303813 +S & T Bank, P.O. Box D, Brookeway, PA 15824-0504  
 14312292 S&T Bank, c/o David W. Raphael, Esquire, Grenen & Birsic, PC, One Gateway Center, 9th Floor, Pittsburgh, PA 15222  
 14312291 +S&T Bank, 355 North 5th Street, Indiana, PA 15701-1940  
 14303817 +The HMC Group, PO Box 16211, Rocky River, OH 44116-0211  
 14303818 +The SOS Group, P.O. Box 16211, Rocky River, OH 44116-0211  
 14303819 +U.S. Bk RMS CC, P.O. Box 108, Saint Louis, MO 63166-0108

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14303798 +E-mail/Text: bankruptcy\_notifications@ccsusa.com Sep 01 2017 01:51:33 Credit Collections Svc., P.O. Box 773, Needham, MA 02494-0918  
 14303799 +E-mail/Text: kcarter@creditmanagementcompany.com Sep 01 2017 01:51:14 Credit Management Co, 2121 Noblestown Rd, Pittsburgh, PA 15205-3956  
 14303800 +E-mail/Text: kcarter@creditmanagementcompany.com Sep 01 2017 01:51:14 Credit Management Co., 2121 Noblestown Rd, P.O. Box 16346, Pittsburgh, PA 15242-0346  
 14303805 +E-mail/Text: bankruptcy.notices@hdfsi.com Sep 01 2017 01:51:26 Harley Davidson Financial, Attention: Bankruptcy, P.O. Box 22048, Carson City, NV 89721-2048  
 14356718 +E-mail/Text: bankruptcydpt@mcsmcg.com Sep 01 2017 01:50:51 Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011  
 14346017 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Sep 01 2017 02:03:40 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 14309025 E-mail/Text: bnc-quantum@quantum3group.com Sep 01 2017 01:50:30 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
 14314990 E-mail/Text: bnc-quantum@quantum3group.com Sep 01 2017 01:50:30 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788, Kirkland, WA 98083-0788  
 14303815 +E-mail/PDF: gecsedirecoverycorp.com Sep 01 2017 01:56:29 Synchrony Bank/ JC Penneys, P.O. Box 965064, Orlando, FL 32896-5064  
 14303816 +E-mail/PDF: gecsedirecoverycorp.com Sep 01 2017 01:56:28 Synchrony Bank/Walmart, P.O. Box 965064, Orlando, FL 32896-5064

TOTAL: 10

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr  
 14641837\* +Harley-Davidson Credit Corp, PO Box 9013, Addison, Texas 75001-9013  
 14641885\* +Harley-Davidson Credit Corp., PO Box 9013, Addison, Texas 75001-9013  
 14303811\* +Indiana Regional Medical Center, P.O. Box 788, Indiana, PA 15701-0788

TOTALS: 1, \* 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

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Total Noticed: 42

Date Rcvd: Aug 31, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 02, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 31, 2017 at the address(es) listed below:

David W. Raphael on behalf of Creditor S&T Bank draphael@grenenbirsic.com,  
mcpupec@grenenbirsic.com  
James Warmbrodt on behalf of Creditor Harley-Davidson Credit Corp bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Richard G. Allen on behalf of Debtor Ryan E. Ross ecf@johnstownbankruptcy.com,  
mybestcaseecfmail@gmail.com;r44281@notify.bestcase.com  
Richard G. Allen on behalf of Joint Debtor Valerie J. Ross ecf@johnstownbankruptcy.com,  
mybestcaseecfmail@gmail.com;r44281@notify.bestcase.com  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6